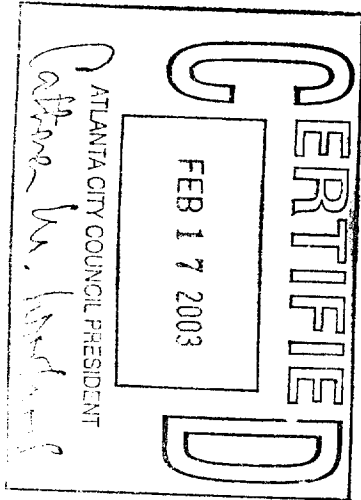


Entered - 01/28/03 - sb  
CL03L0060 - DIANNE C. MITCHELL

CLAIM OF: **CALE JOE RANDALL**  
1387 Church Street  
Decatur, Georgia 30030

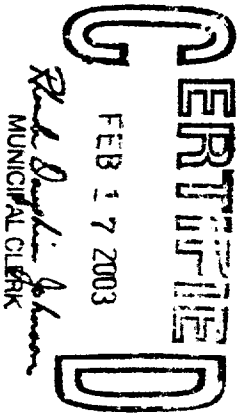
**03- R-0166**



For damages alleged to have been sustained as a result of vehicular damage due to a fallen fence protruding into the roadway on January 17, 2003 at 933 Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
DEPUTY CITY ATTORNEY



ADVERSED FEB 17 2003

ADVERSE REPORT	
COMM	<i>Public Safety</i>
DATE	<i>2-11-03</i>
CHAIR	<i>[Signature]</i>
	<i>C. J. Randall</i>
	<i>[Signature]</i>
	<i>[Signature]</i>
	<i>H. D. Webb</i>



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 18, 2003

Cale Joe Randall  
1387 Church Street  
Decatur, GA 30030

03-R-0166

Dear Mr. Randall:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 17, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 03L0060

Date: January 30, 2002

Claimant /Victim CALE JOE RANDALL

BY: (Atty.)(Ins. Co.) \_\_\_\_\_

Address: 1387 Church Street, Decatur, Georgia 30030

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,700.64 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/21/03 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 01/17/03 Place: 933 Peachtree Street

Department \_\_\_\_\_ Bureau: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges his vehicle was damaged when he struck a fence that had fallen and was protruding into the roadway. The investigation determined that a private contractor was responsible for the fence at this location. The claimant has been advised to pursue his claim with the contractor.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant X Others X Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager:  Concur/date \_\_\_\_\_

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4470  
2/17/03  
2:22 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11: Except 03-R-0224

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>2/17/03 FULL COUNCIL MEETING</b>		
<b>Items Adopted on the Consent Agenda</b>		<b>Items Adversed on the Consent Agenda</b>
1. 02-O-0037	37. 03-R-0161	39. 03-R-0137
2. 03-O-0127	38. 03-R-0162	40. 03-R-0138
3. 03-O-0185		41. 03-R-0139
4. 03-O-0187		42. 03-R-0163
5. 03-O-0085		43. 03-R-0164
6. 03-O-0125		44. 03-R-0165
7. 03-R-0143		45. 03-R-0166
8. 03-R-0144		46. 03-R-0167
9. 03-R-0189		47. 03-R-0168
10. 03-R-0210		48. 03-R-0169
11. 03-R-0211		49. 03-R-0170
12. 03-R-0212		50. 03-R-0171
13. 03-R-0213		51. 03-R-0172
14. 03-R-0145		52. 03-R-0173
15. 03-R-0146		53. 03-R-0174
16. 03-R-0149		54. 03-R-0175
17. 03-R-0150		55. 03-R-0176
18. 03-R-0151		56. 03-R-0177
19. 03-R-0152		57. 03-R-0178
20. 03-R-0153		58. 03-R-0179
21. 03-R-0160		59. 03-R-0180
22. 03-R-0207		60. 03-R-0181
23. 03-R-0208		61. 03-R-0201
24. 03-R-0209		
25. 03-R-0141		
26. 03-R-0142		
27. 03-R-0140		
28. 03-R-0128		
29. 03-R-0129		
30. 03-R-0130		
31. 03-R-0131		
32. 03-R-0132		
33. 03-R-0133		
34. 03-R-0134		
35. 03-R-0135		
36. 03-R-0136		

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Consent I Vote: 14Yeas; 0 Nays: (See RCS #4470)  
Item Removed from the Consent Agenda: 03-R-0224